

ADJOURNMENT

On motion of Senator Aikin the Senate at 9:13 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

FORTY-FIRST DAY
(Thursday, March 24, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Clower.

A quorum was announced present.

The Reverend Efrain Buenfil, El Buen Pastor Presbyterian Church, Austin, Texas, offered the invocation as follows:

God our Father, we are continually asking Thee for something and You have given us everything. You have given us life and You have made that life new and meaningful in Jesus Christ. You have given us each other and this city and the world, and have given us responsibility. Help us in response to Your gifts, to be responsible.

Enlarge our visions, Lord, our sights beyond our little worlds and give us eyes to see the hurts of others and ears to hear their cries for help. Set the State in our hearts, help us to see all its problems, help us to understand them and with the ability You have given us, help us to solve them. Measure our real concern for others not in terms of what we offer as money, but in terms of our willingness to enter the lives of others to guarantee under law the liberty of every individual. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance and from every evil way. Defend our liberties and fashion into one happy people the multitudes brought hither out of many kindreds and tongues. Induce with the spirit of wisdom those to whom in Thy name we entrust the authority of government that there may be justice and peace at home, and that through obedience to Thy law we may show forth Thy praise among the nations of the earth. Take under Thy governance and protection Thy servants, the President, the governor of the state, the law givers, the judges and all who are entrusted with authority. Bless all the decisions to be made today and tomorrow. In Jesus' name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Clower was granted leave of absence for today on account of illness on motion of Senator Jones of Harris.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

C.S.S.B. 339 (Read first time)
C.S.S.B. 831 (Read first time)
S.B. 871
S.B. 914
S.B. 915
S.B. 920
S.B. 922
S.B. 1017

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 948
S.B. 792
S.B. 793
S.B. 951
S.B. 952
S.B. 762
S.B. 837 (Amended)
C.S.S.B. 759 (Read first time)
C.S.S.J.R. 48 (Read first time)

Senator Sherman submitted the following report for the Committee on Natural Resources:

S.B. 529
H.B. 570
S.B. 1172
C.S.S.B. 373 (Read first time)
C.S.S.B. 698 (Read first time)

SENATE BILL AND RESOLUTION ON FIRST READING

By unanimous consent, the following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1196 by Harris State Affairs
Relating to the granting of exemptions from State vehicle registration requirements for private institutions of higher learning; amending Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-3, Vernon's Texas Civil Statutes); and declaring an emergency.

S.C.R. 72 by Mengden

Jurisprudence

Memorializing the Congress of the United States to initiate an amendment to the U.S. Constitution to provide for the election of federal district court judges by the people of the district for six-year terms.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
March 24, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the Board of Directors of the NUECES RIVER AUTHORITY: For a six-year term to expire February 1, 1983: Mr. Jerome Brite of Pleasanton, Atascosa County is being reappointed; Mr. O. D. (Buster) Dooley of Brackettville, Kinney County is being reappointed; Mr. George Morrill of Beeville, Bee County is being reappointed; Mr. C. Alvin Morris of Crystal City, Zavala County is being reappointed; The Honorable Allen Wood of Corpus Christi, Nueces County is being reappointed.

To be a Member of the UPPER GUADALUPE RIVER AUTHORITY: For a six-year term to expire November 1, 1982: Mr. John Mahaffey of Kerrville, Kerr County is being reappointed; Mr. Raymond Mosty of Center Point, Kerr County is being reappointed; Mr. Edgar Wallace of Kerrville, Kerr County is being reappointed.

To be a Member of the Board of Regents of STEPHEN F. AUSTIN STATE UNIVERSITY: For a six-year term to expire January 31, 1983: Mr. Robert C. Gray of Austin, Travis County is being reappointed; Mr. Walter C. Todd of Dallas, Dallas County is being reappointed; Mrs. Tom Wright of Nacogdoches, Nacogdoches County is being reappointed.

To be a Member of the Board of Directors of the RIO GRANDE VALLEY POLLUTION CONTROL AUTHORITY: For a two-year term to expire April 30, 1977: Dr. Armando Cuellar of Weslaco, Hidalgo County is replacing Mr. Justo L. Cisneros of Brownsville, Cameron County who resigned.

For a two-year term to expire April 30, 1978: Mr. James L. Evans of Port Isabel, Cameron County is replacing Mr. Jim Mathis of Edinburg, Hidalgo County who resigned.

To be a Member of the Board of Directors of the RUNNELS COUNTY WATER AUTHORITY: For a six-year term to expire January 1, 1981: Mr. Elliott J. Kemp of Ballinger, Runnels County is replacing Mr. Harley H. Hilliard of Norton, Runnels County whose term expired.

For a six-year term to expire January 1, 1983: Mr. Wesley M. Hays of Winters, Runnels County is replacing Mr. P. M. Davis of Winters, Runnels County who is deceased; Mr. Ernest E. Thormeyer of Winters, Runnels County is being reappointed.

To be a Member of the Board of Directors of the EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT: For a two-year term to expire January 13, 1979: Mr. Charles H. Freeman, Jr. of Pleasanton, Wilson County is being reappointed.

To be a Member of the FINANCE COMMISSION OF TEXAS: For a six-year term to expire February 1, 1983: Mr. Raymond L. Thompson of Vega, Oldham County is replacing Mr. J. H. Bain, Jr. of Stockdale, Wilson County whose term expired.

To be a Member of the Board of Directors of the LAVACA COUNTY FLOOD CONTROL DISTRICT NUMBER 3: For a two-year term to expire January 1, 1979: Mr. Robert Joseph Pesek of Hallettsville, Lavaca County is being reappointed; Mr. Paul A. Najvar of Hallettsville, Lavaca County is being reappointed.

To be a Member of the Board of Regents of EAST TEXAS STATE UNIVERSITY: For a six-year term to expire February 15, 1983: Mr. Leon J. Coker, Jr. of Texarkana, Bowie County is being reappointed; Mr. Thomas B. Steely of Paris, Lamar County is being reappointed; Mr. Cloyd D. Young of Dallas, Dallas County is being reappointed.

To be a Member of the Board of Directors of the UPPER COLORADO RIVER AUTHORITY: For a six-year term to expire January 1, 1983: Mr. Everett Grindstaff, Jr. of Ballinger, Runnels County is being reappointed; Mr. Leonard Cumbie Ivey, Sr. of Robert Lee, Coke County is being reappointed; Mr. John R. (Dick) Salmon of San Angelo, Tom Green County is being reappointed.

To be a Member of the ANTIQUITIES COMMITTEE: For a two-year term to expire January 19, 1979: Dr. William Curry Holden of Lubbock, Lubbock County is being reappointed; Dr. William W. Newcomb, Jr. of Austin, Travis County is being reappointed; Dr. Denver Fred Wendorf of Dallas, Dallas County is being reappointed.

To be a Member of the TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: For a six-year term to expire January 31, 1979: Mr. Herbert Joe Kelpen, Sr. of Cypress, Harris County is replacing Mr. James T. Hale, Jr. of Houston, Harris County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE RESOLUTION 384

Senator Adams offered the following resolution:

WHEREAS, Senate Bill 52 of the 64th Legislature does not provide for a holiday in observance of Easter; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature, that permission is hereby granted to allow Senate staff to observe the Easter holiday from noon April 8, 1977, through Monday, April 11, 1977.

The resolution was read and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 440 ON THIRD READING

Senator Jones of Harris moved to suspend the regular order of business to take up on its third reading and final passage:

C.S.S.B. 440, Relating to the licensing and regulation of speech pathologists and audiologists; providing penalties.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Hance, Harris, Kothmann, Lombardino, Mengden, Moore, Patman, Williams.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Harris, Kothmann, Lombardino, Mengden, Moore, Patman, Williams.

Absent-excused: Clower.

MESSAGE FROM THE HOUSE

House Chamber
March 24, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 114, A bill to be entitled An Act permitting a voter who expects to serve as a poll watcher in an election precinct other than the precinct of his residence to vote absentee by personal appearance; amending Paragraph (a), Subdivision 1, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code).

S.B. 185, A bill to be entitled An Act relating to the powers and duties of certain pipeline companies for the transportation of coal and to the regulation of

these pipeline companies as common carriers; amending Articles 6018, 6019, 6023, and 6022, Revised Civil Statutes of Texas, 1925. (With amendments)

S.B. 111. A bill to be entitled An Act relating to the allocation of funds to public junior and community colleges to cover the loss of tuition and laboratory fees resulting from tuition and fees set aside under the Texas Public Education Grants Program and from tuition and fee exemptions under Sections 54.201 through 54.209 of the Texas Education Code; adding Section 61.073 to Chapter 61, Texas Education Code.

S.B. 117. A bill to be entitled An Act relating to the possession of firearms in the automobile or hunting camp of bow hunters during the special archery season; amending Section 62.054, Parks and Wildlife Code.

S.B. 97. A bill to be entitled An Act relating to the senate sitting as a court of impeachment; amending Article 5963, Revised Civil Statutes of Texas, 1925.

S.B. 25. A bill to be entitled An Act relating to hunting and fishing license requirements for certain disabled veterans of the armed forces of the United States; amending Subsection (a), Section 46.003, Parks and Wildlife Code; adding a Section 42.0041 to Chapter 42, Parks and Wildlife Code. (With amendment)

H.C.R. 50. Authorizing C. E. Gladden to sue the State.

H.C.R. 53. Providing that Capitol Historical Marker be placed in permanent position on Capitol Grounds.

H.C.R. 74. In memory of Judge Elbert Reeves, former State Representative.

H.C.R. 75. Expressing concern of Legislature for children visiting parks where animals are shown and may be petted with danger to child.

H.C.R. 1. Requesting a review by the Social Security Administration regulations governing certification of representative payees.

H.C.R. 2. Granting permission to W. H. Hunt, Jr., and Annie L. Hunt to sue the State.

H.C.R. 26. Granting permission to Border Road Construction Company to sue the State.

H.C.R. 29. Granting permission to Mario Figueroa to sue the State.

H.C.R. 43. Granting permission to National Seafoods, Incorporated, to sue the State.

H.C.R. 47. Granting permission to Kathleen Burke Dunbar to sue the State.

S.C.R. 5. Granting Fred Franke, Inc. permission to sue the State of Texas and TDC and the State Board of Control. (With amendment)

S.C.R. 13. Granting Fleetwood Construction Company permission to sue the State of Texas.

S.C.R. 14. Granting Fleetwood Construction Company permission to sue the State of Texas.

S.C.R. 18. Granting Evie Wooten permission to sue the State of Texas.

S.C.R. 19. Granting Lewis and Gale Woodruff permission to sue the State of Texas.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1159 ON THIRD READING

Senator Moore asked unanimous consent to suspend the regular order of business to take up on its third reading and final passage:

S.B. 1159. Providing a procedure whereby the governing body of certain cities, towns and villages may hold a special election to determine whether or not powers of recall, initiative and referendum powers shall be adopted by such city; amending Chapter 3 of Title 28, Revised Civil Statutes.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up **S.B. 1159** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Mauzy, Patman, Schwartz, Truan.

Present-Not Voting: Ogg.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 6, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Santiesteban, Snelson, Traeger, Williams.

Nays: Hance, Mauzy, Patman, Schwartz, Sherman, Truan.

Present-Not Voting: Ogg.

Absent-excused: Clower.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator Andujar having given Notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 12, Nays 17.

Yeas: Aikin, Braecklein, Brooks, Doggett, Jones of Harris, Longoria, Mauzy, Parker, Patman, Schwartz, Sherman, Truan.

Nays: Adams, Andujar, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Snelson, Traeger, Williams.

Absent: Santiesteban.

Absent-excused: Clower.

Accordingly, the President at 11:04 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:27 o'clock a.m.

The President asked if there were requests to sever nominees.

There were no requests to sever.

Senator McKnight moved confirmation of those nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The following nominees were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

NOMINEES CONFIRMED

To be a Member of the TEXAS COSMETOLOGY COMMISSION: Ms. Sally J. Cooney, Harris County.

To be Members of the Board of Regents, MIDWESTERN STATE UNIVERSITY: Sherrill Burba, Young County; R. E. (Gene) Chambers, Wichita County; Frank J. Douthitt, Clay County (reappointment); W. M. Thacker, Jr., Wichita County (reappointment).

To be Members of the Board of Regents, PAN AMERICAN UNIVERSITY: Mrs. Ramiro Guerra, Hidalgo County; Raul Tijerina, Jr., Cameron County (reappointment); John Lloyd Bluntzer, Nueces County.

To be Members of the Board of Regents, WEST TEXAS STATE UNIVERSITY: James R. Lovell, Moore County; Mrs. B. M. (Lennie) Sims, Collingsworth County; John M. Shelton, III, Potter County (reappointment).

To be Members of the TEXAS YOUTH COUNCIL: Dr. William M. Shamburger, Smith County; Dr. George J. Beto, Walker County (reappointment).

To be DISTRICT JUDGES: (Effective April 1, 1977). Harold Louis Valderas, Tarrant County; Albert L. White, Tarrant County; Joe Spurlock, II, Tarrant County (effective September 1, 1977); Charles A. Dickerson, Fort Bend County; Alfonso Chapa, Bexar County; David V. Wilson, Angelina County; Robert Eschenburg, Wilson County; John McCraw, Jr., Collin County; Andrew Campbell, Hamilton County; Lee Alworth, Montgomery County; David Wesley Gulley, Deaf Smith County; Don Cain, Gray County; Al J. Klein, Bexar County; Ted Butler, Bexar County; Mike Machado, Bexar County; Allen L. Stilley, Harris County; Mrs. Joe Kegans, Harris County; J. D. Guyon, Harris County; Ruby Kless Sondock, Harris County; John McFall, Lubbock County; Vann Culp, Midland County; Glenn S. Phillips, Smith County.

To be CRIMINAL DISTRICT ATTORNEY: Bill Marvin White, Bexar County (replacing Ted Butler).

To be JUDGE DOMESTIC RELATIONS COURT NUMBER 5: Felix Salazar, Jr., Harris County (replacing Ruby Sondock).

To be Members of the TEXAS COMMISSION ON THE ARTS AND HUMANITIES: Mrs. Charles Nash, Travis County; John Ben Shepperd, Ector County; Mrs. George-R. Brown, Harris County; Joe Lea, Jr., El Paso County.

To be Members of the STATE COMMISSION FOR THE BLIND: John W. (Bill) Longley, Jones County; Sam D. Millsap, Bexar County.

To be Members of the Board of Trustees, TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM: Arch G. Lamb, Lubbock County; Ramiro M. Guerra, Hidalgo County (reappointment).

To be Members of the TEXAS HISTORICAL COMMISSION: Miss Kathryn Duff, Taylor County; Ed Leach, Gregg County; Jack C. Kellam, Van Zandt County; Joe J. Fisher, Jefferson County; Mrs. Mary Moody Northen, Galveston County (reappointment); Major General William Allen Harris, Bexar County; Cecil E. Burney, Nueces County.

To be a Member of the GREATER SOUTH TEXAS CULTURAL BASIN: Dr. Mario E. Ramirez, Starr County.

To be a Member of the COMMISSION FOR INDIAN AFFAIRS: Jack H. Stallings, El Paso County.

To be PRESIDING JUDGES: 3rd Administrative Judicial District, The Honorable Herman Jones, Travis County (reappointment); 4th Administrative

Judicial District, The Honorable Peter Michael Curry, Bexar County (reappointment); 5th Administrative Judicial District, The Honorable Jose R. Alamia, Hidalgo County (reappointed); 8th Administrative Judicial District, The Honorable Louis T. Holland, Coryell County (reappointment); 9th Administrative Judicial District, The Honorable Howard C. Davison, Lubbock County (reappointment); 2nd Administrative Judicial District of Texas, The Honorable Max M. Rogers, Walker County (reappointment); 6th Administrative Judicial District, The Honorable Ross E. Doughty, Jr., Uvalde County; 7th Administrative Judicial District, The Honorable Perry D. Pickett, Midland County.

To be a Member of the TEXAS LIBRARY AND HISTORICAL COMMISSION: C. Stanley Banks, Bexar County.

To be Members of the TEXAS MOTOR VEHICLE COMMISSION: Robert Lee Ragsdale, Travis County; Dan Boone, Harris County; John N. Cleveland, Tom Green County; James M. Carnes, Bexar County.

To be Members of the STATE BOARD OF NURSE EXAMINERS: Mrs. Billie Jean Bell, Harris County; Dr. Barbara Woodard, Dallas County.

To be Members of the TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS: James P. Baker, Angelina County (reappointment); Carroll C. Curry, Hill County; Mrs. Hollis B. (Virginia) Atkinson, McLennan County.

To be a Member of the OCCUPATIONAL SAFETY BOARD: Henry C. Wendler, Dallas County (reappointment).

To be a Member of the TEXAS OPTOMETRY BOARD: Dr. John W. Davis, Dallas County.

To be Members of the STATE BOARD OF PHARMACY: William Arlyn Kloesel, Travis County; Doyle Harrell, Tarrant County (reappointment).

To be Members of the STATE BOARD OF PLUMBING EXAMINERS: Kurt A. J. Monier, Bexar County (reappointment); Sterling A. Neblett, Harris County.

To be Members of the Board of Directors, BRAZOS RIVER AUTHORITY: Don T. Kearby, Palo Pinto County; J. B. Potts, Garza County.

To be Members of the Board of Directors, LAVACA-NAVIDAD RIVER AUTHORITY: Joe Bonnot, Jackson County; Claudius Branch, Jackson County; Carl W. Swenson, Jackson County (reappointment); Hans R. Wittenburg, Jackson County (reappointment).

To be Members of the Board of Directors, NUECES RIVER AUTHORITY: Vernon G. Schimmel, Jim Wells County; Joe E. Briscoe, Medina County; George A. Finley, III, Nueces County; James M. Whitten, San Patricio County.

To be Members of the Board of Directors, NECHES RIVER CONSERVATION DISTRICT: James E. Campbell, Shelby County; N. C. Garrison, Nacogdoches County (reappointment); Pitser Garrison, Angelina County (reappointment).

To be Members of the Board of Directors, RED RIVER AUTHORITY OF TEXAS: John H. Anderson, Grayson County (reappointment); Jim D. Hughes, Wilbarger County (reappointment); Jim W. Sowell, Hardeman County (reappointment).

To be Members of the TEXAS REHABILITATION COMMISSION: John D. Simpson, Jr., Travis County (reappointment); Mrs. Marjorie C. Kastman, Lubbock County (reappointment).

To be Members of the SABINE RIVER AUTHORITY OF TEXAS: John H. Butts, San Augustine County; Juan D. Nichols, Wood County; Benjamin B. Pegues, Wood County (reappointment); Charles Wickersham, Orange County (reappointment).

To be Members of the TEXAS STRUCTURAL PEST CONTROL BOARD: Ernest E. Cantrell, Dallas County; George Novy, Jr. (deceased), Dallas County (reappointment); William Spitz, Harris County (reappointment); Louis E. McClish, Potter County; W. D. Bedingfield, Uvalde County (reappointment).

To be a Member of Board of Directors, TRINITY RIVER AUTHORITY OF TEXAS: William L. Bondurant, Tarrant County.

To be Members of the TEXAS TOURIST DEVELOPMENT BOARD: Charles W. Horan, Jr., Tarrant County (reappointment); James Joseph Spring, Jr., Harris County; Bob Conwell, Nueces County (reappointment).

To be Members of the Board of Directors, TEXAS TURNPIKE AUTHORITY: George W. Hawkes, Tarrant County (reappointment); Gene H. Bishop, Dallas County; John P. Thompson, Dallas County (reappointment); J. Frank Holt, III, Dallas County (reappointment); Joe H. Foy, Harris County (reappointment).

To be Members of the Board of Regents, UNIVERSITY OF HOUSTON: Willie C. Wells, Harris County; Leonard Rauch, Harris County (reappointment); Travis C. Johnson, El Paso County (reappointment).

To be a Member of the Board of Regents, TEXAS STATE UNIVERSITY SYSTEM: Harry Hornby, Jr., Uvalde County.

To be a Member of the TEXAS AIR CONTROL BOARD: William D. Parish, Hidalgo County.

To be AGRICULTURE COMMISSIONER: Reagan Brown, Bryan County.

To be a Member of the PUBLIC SAFETY COMMISSION: William B. Blakemore, II, Midland County (reappointment).

HOUSE BILL BILL 789 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 789, A bill to be entitled An Act relating to the participation of the State of Texas in the Academic Common Market; adding a new Section 160.07 to the Texas Education Code; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 789 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 789** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 452 ON SECOND READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 452, A bill to be entitled An Act relating to the recovery of attorney's fees in suits founded on certain oral or written contracts; amending Article 2226, Revised Civil Statutes of Texas, 1925, as amended.

(Senator Schwartz in Chair)

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **H.B. 452** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Adams, Andujar, Brooks, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Braecklein, Creighton, Farabee, Moore, Patman, Sherman.

Present-Not voting: Jones of Taylor.

Absent: Harris, Longoria.

Absent-excused: Clower.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Braecklein, Creighton, Hance, Farabee, Sherman, Mengden, Aikin, Patman, Harris, Moore, and Jones of Taylor asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

HOUSE BILL 282 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 282. A bill to be entitled An Act relating to the authority of the Coordinating Board, Texas College and University System, to contract with medical schools, licensed hospitals and nonprofit corporations for the purpose of providing state funds to family practice residency training programs; amending Chapter 61, Texas Education Code, as amended, by adding Subchapter G.

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend **H.B. 282** by amending Sec. 61.501 (2), page 2, line 6, to read as follows:

"(2) 'Approved family practice residency training program' means a graduate medical education program operated by a medical school, licensed hospitals, or nonprofit corporations which has been approved for training physicians in family practice and for the receipt of state funds for that purpose by the board after receiving the recommendation of the Family Practice Residency Advisory Committee."

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 282 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Moore.

Absent-excused: Clower.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in Chair)

SENATE CONCURRENT RESOLUTION 74

Senator Mauzy offered the following resolution:

WHEREAS, House Bill Number 502 has been passed by the Senate and is now in the House, and there are certain corrections to be made therein; now, therefore, be it

RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, that the House is hereby respectfully requested to return House Bill Number 502 to the Senate for further consideration.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 868 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 868, Relating to the delivery of mixed beverages to hotel rooms; amending Subdivision (a), Subsection (22), Section 15, Article 1, Texas Liquor Control Act, as amended (Article 666-15, Vernon's Texas Penal Auxiliary Laws).

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend Senate Bill 868, line 16, after the words mixed beverages by adding: "including" and deleting the brackets around and line through (wine and beer).

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 21, Nays 9.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan.

Nays: Adams, Aikin, Farabee, Jones of Taylor, Mauzy, McKnight, Sherman, Snelson, Williams.

Absent-excused: Clower.

MOTION TO PLACE SENATE BILL 868 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 868** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 22, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan.

Nays: Adams, Aikin, Jones of Taylor, Mauzy, McKnight, Sherman, Snelson, Williams.

Absent-excused: Clower.

MESSAGE FROM THE HOUSE

House Chamber
March 24, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 192, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Office of Court Administration of the Texas Judicial System; providing for the promulgation of rules by the Supreme Court.

S.B. 137, A bill to be entitled An Act relating to the addition of certain areas to the Cibolo Creek Municipal Authority; amending Sections 4 and 5, Chapter 347, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-487, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendment)

S.B. 507, Relating to the curtailment of school operations due to emergencies, amending Section 16.052, Section 16.055(b) and Section 21.008(a), Texas Education Code.

S.B. 98, A bill to be entitled An Act relating to the open season for taking fur-bearing animals in Cherokee County; repealing Subchapter E, Chapter 138, Parks and Wildlife Code.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 52 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 52, Relating to bail pending appeal or disposition of a motion for new trial; amending Article 44.04, Code of Criminal Procedure, 1965.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Brooks, Longoria, Mauzy, McKnight, Parker, Santiesteban, Truan.

Absent: Ogg.

Absent-excused: Clower.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Brooks, Longoria, Mauzy, McKnight, Parker, Santiesteban, Truan.

Absent-excused: Clower.

SENATE BILL 894 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 894, Relating to changing the names of the Texas Board of Health Resources and the Texas Department of Health Resources and the title of the Director of Health Resources, meeting places of the board, and the rulemaking power of the board; amending Sections 1-5, 8, 10, and 10A, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Articles 4414a-4418a, 4418d, 4418f, and 4418g, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 894 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 894** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

SENATE BILL 285 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 285, Amending Chapter 67, Page 167, Acts of the 59th Legislature, Regular Session, 1965, as amended (codified as Article 5547-202, Sec. 2.05(a), Vernon's Texas Civil Statutes), providing for at least four regular meetings per year of the Texas Board of Mental Health and Mental Retardation; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 285 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 285** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

SENATE BILL 700 ON SECOND READING

On motion of Senator Braecklein and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 700, Relating to legal rights of mentally retarded persons; admission and commitment to mental retardation services; transfer and discharge of clients, procedures, and appeals; establishing public responsibility committees; providing for confidentiality of records; providing for responsibility of the Texas Department of

Mental Health and Mental Retardation and cooperation with other agencies; etc., and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 700 ON THIRD READING

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 700** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Andujar.

Absent: Harris, Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 67 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 67, Relating to the registration and certification of persons engaged in the assessment of property for ad valorem taxation; creating the State Board of Registration and Professional Certification for Assessors in Texas; providing for membership, terms, organization, functions and duties of the board; providing procedures for carrying out the terms of this Act; providing for fees, the establishment of the Assessors' Registration Fund, and the payment of compensation and expenses; providing enforcement procedures, providing qualifications, duties, and standards of conduct for persons engaged in assessing property; defining certain offenses and providing penalties; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 67 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 67** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Harris, Longoria, Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 207 ON SECOND READING**

Senator Andujar asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.B. 207, Relating to the immunity from civil liability of witnesses in the process of school book selection; and providing a remedy for witnesses who are sued.

Question - Shall the regular order be suspended?

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 381 - by Williams: Designating March 24, 1977, as "Senate District 6 Day."

S.R. 382 - by Doggett: Extending welcome to Pearce Junior High School 8th Grade Classes.

S.R. 383 - by Doggett: Extending welcome to Reverend Efrain Buenfil.

S.R. 386 - by Adams: Extending congratulations to Mrs. Winnie Metcalf.

S.R. 387 - by Mauzy: Extending congratulations to Dr. R. G. Corona.

S.R. 388 - by Schwartz: Extending welcome to Craig Hupper.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:24 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, March 28, 1977.

APPENDIX

Sent to Governor

(March 24, 1977)

S.B. 291

In Memory**of****H.B. Toney**

Senator Moore offered the following resolution:

(Senate Resolution 385)

WHEREAS, With the tragic death of Fire Marshal H. B. Toney, on March 14, 1977, residents of Huntsville lost one of their most devoted and beloved citizens; Mr. Toney, who was 61 at the time of his death, gave his life in service to others; and

WHEREAS, Born January 12, 1916, in Crockett, Texas, Mr. Toney was the son of William T. Toney and Ida Ora Leonard Toney; and

WHEREAS, A longtime resident of Huntsville, Mr. Toney faithfully served his community for many years: he was a former police officer and a patrolman for the Department of Public Safety; he had served as chief of the Huntsville Fire Department; and he had been an outstanding member of the volunteer fire department for 24 years; and

WHEREAS, This remarkable public servant joined the Huntsville Fire Department in 1946 and was named fire marshal in 1964; he was secretary-treasurer for the East Texas Firemen and Fire Marshal's Association for four years and was serving in this capacity at the time of his death; and

WHEREAS, Fire Marshal Toney dedicated his life to his work and his fellowman; he was often found in the Huntsville schools teaching the principles of fire safety and the children could always look forward to a ride on the fire truck; and

WHEREAS, This deeply respected and hard-working gentleman was honored by his many friends in the community at the time of his death: members of the Police Department and the Fire Department maintained an honor guard for him, and businesses affiliated with the Downtown Merchants Association and the City Hall closed their doors during the funeral as a token of the great loss felt by the entire community; and

WHEREAS, The tireless devotion of H. B. Toney will not soon be forgotten. As Police Chief Gail Burch said of Mr. Toney: "He was not only a fireman but also a law enforcement officer and one of the finest persons that I've ever been acquainted with"; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas pay tribute to the exemplary life of service of Fire Marshal H. B. Toney and extend deepest sympathy on their great loss to the members of his family: to his wife, Mrs. Mary Sue Toney; his son, Bill Toney of Huntsville; his daughters, Mrs. Madalane Short and Mrs. Mary McMillian, both of Huntsville; his brothers, William T. Toney of Huntsville and Vinnis Toney of Charlotte, North Carolina; his sisters, Miss Helen Toney of Midland, Mrs. Nelma Wilkinson of Premont, and Miss Demp Toney of Austin; and his five grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his immediate family, and that when the Texas Senate adjourns this day, it do so in memory of and in appreciation for the life of H. B. Toney.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory**of****Judge Warren P. Cunningham**

Senator Brooks offered the following resolution:

(Senate Concurrent Resolution 73)

WHEREAS, The city of Houston and the State of Texas suffered a great loss with the death of Warren P. Cunningham, Jr., Judge of the 164th District Court, who died March 19, 1977, at age 62; and

WHEREAS, A native of Hampton, Virginia, Judge Cunningham had lived in Texas since 1917 and in Houston since 1945. His father was Walter P. Cunningham, founder of Cunningham Bearing Co.; and

WHEREAS, Judge Cunningham attended the University of Texas and Harvard Law School, where he was awarded his master of laws degree in 1939; and

WHEREAS, In the 1940s, he served as special attorney for the U.S. Department of Justice, aiding in the prosecution of antitrust suits. His legal practice afterward in Houston was in civil law; and

WHEREAS, Judge Cunningham had presided over the 164th District Court in Houston since 1963, when the court was created by the 58th Legislature; and

WHEREAS, He was elected chairman of the Judicial Section of the State Bar of Texas in September, 1976. He also was a member of the American Bar Association; and

WHEREAS, Judge Cunningham was a member of the board of directors of the Houston Community Council, a trustee of the United Fund, former board chairman of the Houston Tuberculosis Hospital and past president of Houston Exchange Club; and

WHEREAS, It is appropriate that the Senate of the State of Texas, with the House of Representatives concurring, honor the memory of a man with many outstanding personal accomplishments and a notable record of service to his fellow citizens; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature, the House of Representatives concurring, That the Legislature of the State of Texas commend the life of Warren P. Cunningham, Jr. and extend deepest sympathy to his family: his wife, Mrs. Ellen B. Cunningham of Houston; his sons, Tom Alan Cunningham of Houston and Warren P. Cunningham, III, of Dallas; his daughter, Dr. Suzie Tindall of Atlanta, Georgia; and his brother, Jack P. Cunningham of Houston; and, be it further

RESOLVED, That official copies of this Resolution be prepared for the members of his family as a tribute by the Texas Legislature in memory of Judge Warren P. Cunningham, Jr., and that when the two Houses of the Legislature of the State of Texas adjourn this day, they do so in the memory of Judge Warren P. Cunningham, Jr.

The resolution was read and was adopted by a rising vote of the Senate.

On motion of Senator Jones of Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.